IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

RETINA RENEE ARMSTRONG **PLAINTIFF**

VS. **CIVIL ACTION NO.** 1:16cv169-GHD-DAS

WASTE MANAGEMENT OF MISSISSIPPI, INC.,
d/b/a WASTE MANAGEMENT CORPORATE
SERVICES, INC. **DEFENDANT**

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual and liquidated damages for violation of the Family and Medical Leave Act, and for violation of the Americans with Disabilities Act. The following facts support the action:

1.

Plaintiff RETINA RENEE ARMSTRONG is an adult resident citizen of 2882 Evans Circle, Tupelo, Mississippi 38801.

2.

Defendant WASTE MANAGEMENT OF MISSISSIPPI, INC., d/b/a WASTE MANAGEMENT CORPORATE SERVICES, INC. (hereinafter "Defendant"), is a Mississippi corporation in the business of providing waste management services. Defendant may be served with process upon its registered agent, C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. At all relevant times, Defendant was an employer within the meaning of the Americans with Disabilities Act ("ADA"), and within the meaning of the Americans with

Disabilities Act Amendments Act (“ADAAA”).

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 U.S.C. §1343, to redress claims arising under the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101, *et. seq.*, and the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, *et. seq*.

4.

Plaintiff was employed by Defendant for approximately eight (8) years. She began working at Defendant’s Tupelo call center in approximately 2007. From June 5, 2011 until September 30, 2015, she held the position of Inside Commercial Representative (“ICR”).

5.

In October 2014, Plaintiff was diagnosed with Attention Deficit Hyperactivity Disorder (“ADHD”). This disorder caused a substantial interference in Plaintiff’s everyday activities, including, but not limited to, her ability to concentrate and to work.

6.

In March 2015, Plaintiff was suspended for approximately three (3) days, and on March 9, 2015, Plaintiff explained to Defendant the issue she was having with depression and inability to concentrate. Defendant’s agent responded that this was “no excuse.”

7.

Plaintiff was placed on FMLA disability leave from April 1, 2015 to April 6, 2015, and was then placed on short-term disability until approximately September 15, 2015.

8.

Plaintiff's physician informed Defendant of the accommodations which Plaintiff needed to be able to return to work. These reasonable accommodations included expunging Plaintiff's record, sending her to a work area with less distraction, and possibly shorter hours.

9.

Plaintiff made a claim for long-term disability benefits, but this was denied by the Defendant's disability carrier. Plaintiff's physician ultimately released her to return to work, and Plaintiff returned to work on approximately September 15, 2015. Upon returning to work, Plaintiff was treated differently than before she took medical leave, in a disparaging fashion. Defendant claimed it was re-acclimating Plaintiff to her previous position, but actually gave Plaintiff little meaningful training, always having some excuse for why Plaintiff could not receive training.

10.

On approximately September 30, 2015, Defendant terminated Plaintiff's employment, on the grounds that she had improperly handled "two calls." Plaintiff had not received the appropriate training to be able to handle the calls.

11.

Plaintiff was discharged because Defendant failed to make reasonable accommodations for her disability, and in retaliation for having taken Family and Medical Leave.

12.

Plaintiff's discharge violated the anti-retaliation provision of the Americans with Disabilities Act, and violated those provisions of the Americans with Disabilities Act which require reasonable accommodation and prohibit discrimination because of one's disability.

13.

On July 6, 2015, Plaintiff filed an EEOC charge, attached hereto as Exhibit "A," and has received a right-to-sue letter dated June 30, 2016, attached as Exhibit "B."

REQUEST FOR RELIEF

Plaintiff requests actual and liquidated damages in an amount to be determined by a jury, reinstatement, and for reasonable attorneys' fees, costs, and expenses.

RESPECTFULLY SUBMITTED, this the 15th day of September, 2016.

RETINA RENEE ARMSTRONG, Plaintiff

By: ***/s/ Jim Waide***

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